

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SONGWOONG JOENG,

Plaintiff,

v.

MARY ELIZABETH BRENNAN SENG, in
her Official Capacity as the Acting Director
of the Texas Service Center, U.S.
Citizenship and Immigration Services, U.S.
Department of Homeland Security, et al.,

Defendants.

Case No. 3:23-cv-00059-SLG

ORDER RE PROOF OF SERVICE

The Court is in receipt of Plaintiff's Complaint, filed March 14, 2023, and "Plaintiff's Motion for Temporary Restraining Order and for Order to Show Cause re Preliminary Injunction" filed March 15, 2023, at Docket 4.

Plaintiff seeks injunctive relief by April 3, 2023—a little over two weeks from now—in order to "stay[] the accrual of unlawful presence within the United States as to Plaintiff and his immediate family."¹ On April 3, 2022, Plaintiff states that he "will be subject to at least a three-year ban to admissibility to the U.S. under the [Immigration and Nationality Act] for having accrued more than 180 days of unlawful presence in the U.S."² The Court notes that Plaintiff has been on notice of this

¹ Docket 4 at 2-3.

² Docket 4 at 2-3.

impending deadline since at least October 5, 2022, when USCIS sent the notice of decision regarding Petitioner's I-485 application.³

In the filed documents, there does not appear to be proof that Plaintiff has served Defendants with the summons and complaint for the instant lawsuit or put Defendants on notice in any other way of this action and motion seeking injunctive relief. And Plaintiff has failed to present "specific facts in an affidavit or a verified complaint [that] clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition"; nor has "the movant's attorney certifie[d] in writing any efforts made to give notice and the reasons why it should not be required." See Rule 65(b)(1), Federal Rules of Civil Procedure. Therefore, absent proof of service pursuant to Fed. R. Civ. P. 4 and 5, the Court will take no action in the instant case.

In light of the foregoing, IT IS ORDERED that Plaintiff provide the Court proof of service pursuant to Fed. R. Civ. P. 4 and 5.

DATED this 17th day of March, 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

³ Docket 1 at 14, ¶ 44.